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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,390	09/29/2003	Mark Bernard Hettish	2003P08063US	4143

7590 07/27/2009  
Attn: Elsa Keller, Legal Administrator  
Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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PADMANABHAN, KAVITA

ART UNIT	PAPER NUMBER
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2161

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07/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/673,390	<b>Applicant(s)</b> HETTISH ET AL.	
	<b>Examiner</b> Kavita Padmanabhan	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-17,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-17,20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Status of Claims*

1. Claims 1, 20, and 21 have been amended.
2. Claims 1-7, 9-17, 20, and 21 are pending.
3. Claims 1-7, 9-17, 20, and 21 are rejected.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-7, 9-17, and 20-21** are rejected under 35 U.S.C. 102(b) as being anticipated by **Diacakis et al.** (US 2002/0116336, hereinafter “Diacakis”).

In regards to **claim 1**, **Diacakis** teaches a method, comprising:

- interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that determines an availability or state of a device associated with the identity, where the identity is a person or a group of persons (**Diacakis; Fig. 1; Fig. 4 – presence detection engine interpreted as device oriented context system since it determines user’s presence on particular devices, and availability management engine interpreted as**

**identity oriented context system since it determines user's availability based on user's situation; par [0026]; par [0044]-[0045]);**

- receiving a request to make a change to a new identity oriented context for an identity (Diacakis; par [0034], lines 8-18 – *“The presence detection engine 18 may detect a change in the individual's situation, as described further hereinafter, or the individual may communicate the change to the management server 12 directly”* – the individual communicating the change to the server constitutes a request to change to a new identity oriented context; par [0046], lines 4-7; par [0048], lines 1-2), wherein said new identity oriented context is associated with said identity and provides an availability status of said identity (Diacakis; par [0031], lines 18-21 – *“the individual may define a series of profiles that describe a situation that the individual may be in such as, for example, “at home,” “at office,” or “on the road.”*” – i.e., identity oriented contexts); and
- mapping said new identity oriented context from said identity oriented application to a device oriented context from said device oriented application for a specific device associated with said identity (Diacakis; par [0031], lines 21-25 – *“the individual may identify how he wishes to be communicated with for each profile”*; Fig. 2 – shows mapping of identity oriented context “at office” to device oriented contexts, i.e. which devices are available to which subscribers when the individual is “at office”; par [0035], lines 1-9), wherein said device oriented context provides an availability or work status of the specific device (Diacakis; par [0026] - *“the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable*

- to communicate with others on the telephone network.” - availability of the device, i.e. unavailable; par [0045] - “determine the individual's current capabilities 58 such as, for example, whether he can receive voice information, data files, audio files, video files, etc.”; par [0057] – identity oriented context is “at home” and device oriented contexts, i.e. availability of phone, IM, etc., are determined based on “at home” profile); and*
- providing data indicative of said mapped device oriented context to a device context oriented application (**Diacakis; Fig. 8**).

In regards to **claim 2**, **Diacakis** teaches the method of claim 1, wherein said receiving said request to make said change to said new identity oriented context for said identity includes receiving said request from an identity context oriented application (**Diacakis; par [0034], lines 8-18; Fig. 4**).

In regards to **claim 3**, **Diacakis** teaches the method of claim 1, wherein said mapping said new identity oriented context to said device oriented context for said device associated with said identity includes determining said device (**Diacakis; par [0031], lines 18-25; Fig. 2**).

In regards to **claim 4**, **Diacakis** teaches the method of claim 3, wherein said mapping said new identity oriented context to said device oriented context for said device associated with said identity includes determining said device oriented context associated with said device (**Diacakis; par [0031], lines 18-25; par [0045]; Fig. 8**).

In regards to **claim 5**, **Diacakis** teaches the method of claim 1, wherein said mapping said new identity oriented context to said device oriented context for said device associated with said identity includes accessing a mapping table (**Diacakis; Fig. 2**).

In regards to **claim 6**, **Diacakis** teaches the method of claim 1, further comprising:

- determining said device (**Diacakis; par [0031], lines 18-25; Fig. 2**).

In regards to **claim 7**, **Diacakis** teaches the method of claim 1, further comprising:

- determining said device oriented context for said device (**Diacakis; par [0031], lines 18-25; par [0045]; Fig. 8**).

In regards to **claim 9**, **Diacakis** teaches the method of claim 1, wherein said providing data indicative of said device oriented context includes providing said data indicative of said device oriented context to a presence and availability service (**Diacakis; Fig. 4; Fig. 8**).

In regards to **claim 10**, **Diacakis** teaches the method of claim 1, further comprising:

- changing an identity oriented context for said identity from a first identity context to said new identity oriented context in response to said request (**Diacakis; par [0034], lines 8-18; par [0046], lines 4-7; par [0048], lines 1-2**).

In regards to **claim 11**, **Diacakis** teaches the method of claim 10, further comprising:

- providing data indicative of said new identity oriented context (**Diacakis; Fig. 8**).

In regards to **claim 12**, **Diacakis** teaches the method of claim 1, further comprising:

- registering with a presence and availability service (**Diacakis; par [0031]**).

In regards to **claim 13**, **Diacakis** teaches the method of claim 12, wherein said providing data indicative of said device oriented context further comprises providing said data indicative of said device oriented context to said presence and availability service (**Diacakis; Fig. 8**).

In regards to **claim 14**, **Diacakis** teaches the method of claim 1, further comprising:

- detecting a new device oriented context for a second device, wherein said second device is associated with a second identity (**Diacakis; Fig. 8; par [0056], lines 9-17; par [0062], lines 1-12**); and
- mapping said new device oriented context to an identity oriented context for said second identity (**Diacakis; Fig. 8; par [0056], lines 9-17; par [0062], lines 1-12**).

In regards to **claim 15**, **Diacakis** teaches the method of claim 14, wherein said detecting said new device oriented context for said second device includes detecting said new device oriented context in a presence and availability service (**Diacakis; Fig. 4**).

In regards to **claim 16**, **Diacakis** teaches the method of claim 14, wherein said detecting said new device oriented context for said second device includes receiving a request to change said

second device's device oriented context (**Diacakis; par [0029], lines 4-7; par [0031]; par [0034], lines 14-18; par [0053], lines 6-11; par [0057]**).

In regards to **claim 17, Diacakis** teaches the method of claim 14, wherein said mapping said new device oriented context to said identity context for said second identity includes determining said second identity (**Diacakis; Fig. 8; par [0056], lines 9-17; par [0062], lines 1-12**).

**Claim 20** is rejected with the rationale given for claim 1.

**Claim 21** is rejected with the rationale given for claim 1.

### ***Response to Arguments***

6. Applicant's arguments filed 5/4/09 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues that Diacakis does not teach the claimed device oriented context application that determines an availability of a device. The examiner respectfully disagrees and asserts that the presence detection engine of Diacakis is interpreted as a device oriented context application since it determines a user's presence on particular devices based on the availability of the devices (Diacakis; Fig. 1; Fig. 4; par [0026]).

Specifically, applicant argues that Diacakis determines a user's presence and not the availability of a device. The examiner respectfully disagrees and asserts that Diacakis clearly determines the availability of a device on a network by determining presence information for the



device (Diacakis; par [0044]-[0045]), including determining whether a device is switched on/off (Diacakis; par [0026]).

To clarify further, the examiner respectfully asserts that Diacakis recites, “*the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network.*” (Diacakis; par [0026]) This teaches that if the phone is in a status of “off” the person is not present because *the phone is unavailable*. Therefore, the presence provides an availability of the device, i.e. unavailable.

The examiner respectfully refers the applicant to the previous Office Action, mailed 10/16/08, for further clarification with regards to the examiner’s position.

The applicant also argues that it is not seen where Diacakis discloses two distinct applications, namely an identity oriented context application and a device oriented context application. The examiner respectfully refers to Fig. 1 and Fig. 4, reference characters 18 and 20, where the Presence Detection Engine of Diacakis constitutes the claimed device oriented context application and Availability Management Engine of Diacakis constitutes the claimed identity oriented context application.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2161

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **(571)272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan  
Primary Examiner, Art Unit 2161

July 26, 2009

/Kavita Padmanabhan/